

REMARKS

Before entry of this Response, claims 1-28 were pending in the application. Claims 10-12, 15, 20-24 and 26-28 have been withdrawn. After entry of this Response, claims 1-9, 13, 14, 16-19 and 25 remain pending under examination. The number of total claims has not been increased, and the number of independent claims has not been increased beyond the number for which payment previously had been made.

The following is a brief summary of the Action. Claims 1-9 and 25 were rejected under 35 U.S.C. 102(a) and (e) as being anticipated by Roessler et al (U.S. Patent No. 6,552,245). Claims 13, 14 and 16-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Roessler et al in view of Buell (U.S. Patent No. 4,900,317).

For the reasons explained below, applicants respectfully traverse the rejection of claims 1-9 and 25 under 35 U.S.C. § 102(a) and (e) as being anticipated by Roessler et al.

As explained at page 2, lines 3 – 10 of applicants' specification (emphasis added):

if a necked material with a given fiber and capillary structure is used as a bodyside liner material and is stretched in a direction, the fibers are forced to move and/or rotate to accommodate the stretch. This movement and/or rotation of the fibers changes the capillary structure of the necked nonwoven material. **If the necked, non-stretched nonwoven had an ideal capillary structure before stretching, the stretched material will no longer have that ideal structure.** In general, any changes in the dimensions of the material in width, length, or thickness will change the capillary structure.

Claim 1 requires (emphasis added):

said bodyside liner comprising a material

having

an **untensioned inherently extensible base layer of a fluid permeable material**, said base layer extendable to at least about 125% of its original dimension in a first direction essentially without fracture of said base layer material;

at least a first and a second strip of elastomeric material wholly disposed on and attached to said base layer material to form flat planar **composite regions** with a space between said strips such that a **center untensioned region** of said base layer material is bordered on at least two longitudinally extending sides by said **composite regions** of said elastomeric materials and said base layer material, said center region generally disposed over said absorbent body structure; and

wherein **said center region** of untensioned base layer material **is attached to said absorbent body structure in its untensioned condition** and said composite regions are **stretchable in at least a second direction** of said absorbent article.

Thus, claim 1 requires the **center region** of untensioned base layer material **of the bodyside liner to be attached to the absorbent body structure in its untensioned condition**. Claim 1 also requires the composite regions, which consist of bodyside liner and strips of elastomeric material, to be stretchable in at least a second direction.

Similarly, claim 25 requires (emphasis added):

said region of base layer material is attached to said absorbent body structure in its untensioned condition and said composite region is stretchable in at least a transverse direction in use of said absorbent article;

Thus, claim 25 similarly requires the **center region** of untensioned base layer material of the bodyside liner **to be attached to the absorbent body structure in its untensioned condition**.

Accordingly, in applicants' article, the **center region** of the bodyside liner, which

is untensioned base layer material to impart an ideal capillary structure for transmitting fluid to the underlying absorbent body, is then **attached to the absorbent body** in that ideal untensioned condition so that the absorbent body assists in preventing the stretching of the **center region** of the bodyside liner when the customer uses the article. Additionally, the fact that the **composite regions** that border each opposite side of the **center region** of the bodyside liner are stretchable, assists in preventing the customer's manipulation of the article from stretching the **center region** of the bodyside liner because the **composite regions** take up the stretching movements of the customer's manipulation of the article.

In rejecting claims 1-9 and 25 under 35 U.S.C. 102(a)/(e) as being anticipated by Roessler et al, lines 12 – 28 of paragraph 6 on pages 3 – 4, of the Final Office Action state that (emphasis added):

Roessler teaches at least a first and a second strip of elastomeric material attached to the necked base layer material with a space between the strips such that a center necked region of the base layer material is bordered on at least two longitudinally extending sides by flat, planar composite regions of the elastomeric materials and the base layer material, the center region being generally aligned with the absorbent body structure, **and the center region of necked base layer material being attached to the absorbent body structure in its necked condition** and the composite regions are stretchable in at least a second direction of the absorbent article (first and second strips of elastomeric material are leg elastics 36; side panels 42 and containment flaps 46 are also elastomeric strips; Figs. 1-2 and 5-8, col. 5, lines 26-53, col. 6, lines 27-52, col. 7, lines 6-16, col. 14, lines 1-50, col. 16, line 43 to col. 18, line 64, col. 20, line 66 to col. 21, line 64, col. 22, lines 6-52, col. 23, line 61 to col. 24, line 47; note leg elastics 36 are stated to be sheets; leg elastics 36 extend in the lateral direction and are stretchable in both directions; Figs. 1-2 teach attachment of the leg elastics between the bodyside liner 32 and the outer cover 30; note that Applicant's specification defines

“attached” as including indirect attachment, specification, page 8, lines 11-16).

However, notwithstanding all of the extensive citations to Roessler et al, Roessler et al fails to disclose that the **center region** of the necked base layer material of the bodyside liner 32 is attached to the absorbent body structure 34 **in its untensioned condition**. Moreover, to the extent that there is any sort of attachment of the bodyside liner 32 to the absorbent body structure 34, Roessler et al Fig. 2 for example makes it clear that such attachment would be around the peripheral edges and not at the **center region** of the bodyside liner 32. For Roessler et al to anticipate claims 1-9 and 25 under 35 U.S.C. 102(a)/(e), there must be an unambiguous disclosure of attachment of the **center region** of the bodyside liner 32 to the absorbent layer 34.

Moreover, as explained at Roessler et al column 19, lines 1 – 3, Roessler et al calls for an absorbent body 34 that is elastic or extensible. Plainly, an absorbent body 34 that is elastic or extensible would defeat the purpose of having the **center region** of the bodyside liner attached to the absorbent body. For an absorbent body 34 that is elastic or extensible would not resist stretching of this **center region** of the bodyside liner during the customer’s manipulation of the article.

Applicants therefore respectfully submit that claims 1-9 and 25 are patentable under 35 U.S.C. § 102(a) and (e) over Roessler et al.

For the reasons explained below, applicants respectfully traverse the rejection of claims 13, 14 and 16-19 under 35 U.S.C. § 103(a) as being anticipated by Roessler et al in view of Buell.

Buell fails to correct the deficiencies noted above in Roessler et al. Applicants therefore respectfully submit that claims 13, 14 and 16-19 are patentable under 35 U.S.C. § 103(a) over Roessler et al in view of Buell.

Applicants respectfully request reconsideration and reexamination of claims 1-9, 13, 14, 16-19 and 25, as presented herein, and submit that these claims are in condition for allowance and should be passed to issue.

If any fee or extension of time is required to obtain entry of this Amendment, the undersigned hereby petitions the Commissioner to grant any necessary time extension and authorizes charging Deposit Account No. 04-1403 for any such fee not submitted herewith.

Respectfully submitted,

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